REMARKS

The Office Action dated August 23, 2002, and the references cited therein have been carefully considered. Responsive to the Office Action, please consider the following remarks. In view of the following remarks, the applicants submit that all pending claims are in condition for allowance.

REJECTION UNDER 35 U.S.C. § 103(A)

Claims 61, 62, 64, 66-68, 77-79, 81, 84, 93, 95, 97, 98, 106, 108, 110, 111 and 119

The Office Action rejected claims 61, 62, 64, 66-68, 77-79, 81, 84, 93, 95, 97, 98, 106, 108, 110, 111 and 119 under 103(a) as being unpatentable over Itkis (U.S. Patent no. 4,856,787). The applicant respectfully traverses the rejection. Reconsideration is respectfully requested.

The claimed device in each of independent claims 61, 77, 92 and 106 discloses a gaming machine that includes a user input device comprising a virtual object, said virtual object being shaped like an object, to point on a display device where an image on the display device is highlighted in response to the user pointing the virtual object at a portion of the image and where the virtual object provides feedback to the user when a selectable image on the display is selected.

Itkis apparently discloses a game network, including a master game device and a number of slave game devices where the master and slave devices are connected via a communication network. Apparently, an operator controls the master device and a player uses a slave device. Also, it appears a player can select items using a touch screen or by using a light pen and the selected item can be crosshatched to indicate the selection by the player (Col. 4, lines 57-63). Itkis appears to be primarily concerned with the master-slave relationship of the game devices where one or a number of different players at different slave machines can play against a single master game device.

The Office Action states that Itkis discloses that the controller is programmed to cause the images to be modified in response to the user pointing the virtual object at a portion of the display device by displaying crosshatches on one of the images on the screen in response to the user selecting an image displayed on the display device.

POINTING IS DISTINCT FROM SELECTING

The independent claims at issue have been amended to remove the concept of modifying the image when the virtual object points at it. In response to the suggestion in the Office Action that displaying a cross-hair pattern on an image when it is **selected** (as in Itkis) is the same as modifying an image when a user **points** at it, the claims now call for the image to be highlighted when the virtual object points at the image.

Highlighting an image is distinct from and more specific than modifying an image. Displaying crosshatches on an image when it is selected arguably may modify the image but does not highlight the image when the user points at the image. This is a key distinction.

In Itkis, a user could point at an item on the display, but the item would not be highlighted unless the item is **selected**. Specifically, Itkis states:

> In response to the manual touch, the slave game device 7 crosshatches the selected number 30 (or shows it in reverse video, or changes the color, etc.) Col. 4, lines 58-61.

In the claimed invention, an item would be highlighted if the user **pointed** at the item, even if the item is not selected. As it may not be obvious what the virtual object is used for or that it even is an input means, images on the video display are modified when the virtual object is **pointed** at them to indicate to the user that the virtual object is an input means. Accordingly, a user can track where the virtual object is pointing as it moves across the video display thereby alerting the user that the virtual object is an input device. There is no suggestion for such tracking of the pointing of the input device in Itkis because it is obvious to any user that a light pen is an input device. Accordingly, the applicant submits that the

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highlighting of an image when a user **points** at the image as called for in all the pending independent claims is not disclosed in Itkis as Itkis only discloses displaying a crosshatch on images when the items are **selected**, meaning Itkis is not an anticipatory reference of the amended independent claims.

Using Itkis as a base reference, it also would not be obvious to add highlighting to Itkis when a user points the virtual object at an item. Itkis does not disclose images being changed merely in response to the user **pointing** the virtual object at a portion of the display device as claimed but discloses images changing in response to being **selected**. See col. 3, lines 62-65; col. 4, lines 59-61, which indicate images are modified only when they are selected. As Itkis avoids modifying images when a user points at them, it would not make sense for Itkis to highlight items when a user points at them. It would not be obvious to add highlighting to Itkis.

In addition, M.P.E.P. Section 2143.01 states: "If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 U.S.P.Q. 1125 (Fed. Cir. 1984)." If a virtual object input device was added to Itkis, the resulting device would not work as claimed in the pending application and would not be satisfactory for its intended purpose. Because it may not be obvious that the virtual object is an input device, and because Itkis only modifies objects when they are selected, a user likely would not even know the virtual object is an input device unless the user happened to select an image. For example, a user could pick up a magic wand attached to an Itkis type game and would not see any indication on the display that the magic wand is an input device because there would be no indication on the display unless the user happened to selected an item. Accordingly, a modified Itkis would not be satisfactory for its intended purpose like the claimed invention because users would not know the virtual object was an input device.

FEEDBACK THROUGH THE VIRTUAL OBJECT

A second key reason that the pending application is not obvious in view of Itkis is that all the independent claims as amended call for the virtual object to provide feedback to the user. Providing feedback is not found in Itkis so Itkis is not an anticipatory reference. Providing feedback is a significant leap forward from the teaching of Itkis which is apparently is concerned with the hardware of a master-slave slot machine configuration. The input device itself is an afterthought to Itkis and providing feedback would be well beyond the teaching of Itkis.

The mere fact that Itkis <u>could</u> be modified is <u>not</u> sufficient to establish a prima facie case of obviousness. <u>See</u> Section 2143.01 of the M.P.E.P. Itkis apparently is concerned with the hardware of a master-slave slot machine configuration and input object is an afterthought to Itkis. All that is important in Itkis is that a user can input information and Itkis discloses inputting information using either a touch screen or a light pen.

The application cannot be obvious in view of Itkis because the independent claims of the application (61, 77, 92 and 106) have at least two elements that are not mentioned or suggested in Itkis (items are not highlighted in response to users pointing rather than selecting an item and the virtual input device providing feedback) and because the modified Itkis would not be satisfactory for its intended purpose. Further, because claims 62, 64, 66-68, 77, 79, 81, 84, 93, 95, 97, 98, 108, 110, and 111 are dependent from the independent claims, they also are not obvious in view of Itkis.

Claims 73-76, 89-91, 103-105 & 116-118

The Office Action rejected claims 73-76, 89-91, 103-105 & 116-118 under 35 USC 103(a) as being unpatentable over Itkis as applied to claims 61, 77, 92 and 106 as appropriate, in view of Yamazaki, U.S. patent 6,251,011 ("Yamazaki"). The applicant respectfully traverses the rejection. Reconsideration is respectfully requested.

As explained in relation to the independent claims of the application (61, 77, 92 and 106) above, the application cannot be obvious in view of Itkis because the independent claims have at least two elements that are not mentioned or suggested in Itkis (items are not highlighted in response to users pointing at an item and the virtual input device providing feedback) and because Itkis the modified Itkis would not be satisfactory for its intended purpose. Itkis is not concerned with and does not suggest adding a firearm as an input device as apparently disclosed in Yamazaki. Further, Yamazaki does not contain adding feedback to the firearm. Accordingly, the pending application cannot be obvious in view Itkis combined with Yamazaki.

Claims 63, 80 and 107

The Office Action rejected claims 63, 80 and 107 under 35 USC 103(a) as being unpatentable over Itkis as applied to claims 61, 77 and 106 and further in view of Halic (U.S. Patent no. 5,700,195) and Hara et al. (U.S. Patent no. 5,027,415). The applicant respectfully traverses the rejection. Reconsideration is respectfully requested.

As explained in relation to the independent claims of the application (61, 77, 92 and 106) above, the application cannot be obvious in view of Itkis because the independent claims have at least two elements that are not mentioned or suggested in Itkis (items are not highlighted in response to users pointing at an item and the virtual input device providing feedback) and because the modified Itkis would not be satisfactory for its intended purpose. Itkis is not concerned with and does not suggest adding a bill acceptor and discriminator as apparently disclosed in Hamic and Hara.

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Claims 65, 82, 96 and 109

The Office Action rejected claims 65, 82, 96 and 109 under 35 U.S.C 103(a) as being unpatentable over Itkis as applied to claims 61, 77, 92 and 106 in view of Pendergrass, Jr. (U.S. Patent no. 5,565,148). The applicant respectfully traverses the rejection. Reconsideration is respectfully requested.

As explained in relation to the independent claims of the application (61, 77, 92 and 106) above, the application cannot be obvious in view of Itkis because the independent claims have at least two elements that are not mentioned or suggested in Itkis (items are not highlighted in response to users pointing at an item and the virtual input device providing feedback) and because the modified Itkis would not be satisfactory for its intended purpose. Itkis is not concerned with and does not suggest adding a scent dispenser as apparently disclosed in Pendergass, Jr.

Claims 69, 85, 99 and 112

The Office Action rejected claims 69, 85, 99 and 112 under 35 USC 103(a) as being unpatentable over Itkis as applied to claims 61, 77, 92 and 106 in view of DeMar et al. (U.S. Patent no. 6,270,410). The applicant respectfully traverses the rejection. Reconsideration is respectfully requested.

As explained in relation to the independent claims of the application (61, 77, 92 and 106) above, the application cannot be obvious in view of Itkis because the independent claims have at least two elements that are not mentioned or suggested in Itkis (items are not highlighted in response to users pointing at an item and the virtual input device providing feedback) and because the modified Itkis would not be satisfactory for its intended purpose. Itkis is not concerned with and does not suggest adding a remote control as an input device as apparently disclosed in DeMar.

Claims 70, 72, 86, 88, 100, 113 and 115

The Office Action rejected claims 70, 72, 86, 88, 100, 113 and 115 under 35 USC 103(a) as being unpatentable over Itkis as applied to claims 61, 77, 92 and 106 in view of Ahdoot. (U.S. Patent no. 5,913,727). The applicant respectfully traverses the rejection. Reconsideration is respectfully requested.

As explained in relation to the independent claims of the application (61, 77, 92 and 106) above, the application cannot be obvious in view of Itkis because the independent claims have at least two elements that are not mentioned or suggested in Itkis (items are not highlighted in response to users pointing at an item and the virtual input device providing feedback) and because the modified Itkis would not be satisfactory for its intended purpose. Itkis is not concerned with and does not suggest adding a helmet or glove as an input device as apparently disclosed in Ahdoot.

Claims 71, 87, 101 and 114

The Office Action rejected claims 71, 87, 101 and 114 under 35 USC 103(a) as being unpatentable over Itkis as applied to claims 61, 77, 92 and 106 in view of Yamazaki et al. (U.S. Patent no. 5,800,265). The applicant respectfully traverses the rejection. Reconsideration is respectfully requested.

As explained in relation to the independent claims of the application (61, 77, 92 and 106) above, the application cannot be obvious in view of Itkis because the independent claims have at least two elements that are not mentioned or suggested in Itkis (items are not highlighted in response to users pointing at an item and the virtual input device providing feedback) and because the modified Itkis would not be satisfactory for its intended purpose. Itkis is not concerned with and does not suggest adding goggles as an input device as apparently disclosed in Yamazaki.

Attached hereto is a marked-up version of the changes made to the specification by the current amendment. The attached page is captioned "Appendix, Version With Changes Made."

In view of the foregoing, it is respectfully submitted that all claims in the present application are in condition for allowance.

For the foregoing reasons, reconsideration and withdrawal of the rejections of the claims and allowance thereof are respectfully requested.

Respectfully submitted,

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VERSION WITH CHANGES MADE

(Once Amended)   61.   An electronic gaming unit for allowing a user to play a video gaming game selected from the group of video games consisting of video poker, video slots, video blackjack, video bingo and video keno, the electronic gaming unit comprising:

a display unit that is capable of generating color images;

a currency-accepting mechanism that is capable of allowing the user to deposit a medium of currency;

a user input device comprising a virtual object, said virtual object being shaped like an object; and

a controller operatively coupled to the display unit, the currency-accepting mechanism and the virtual object, the controller-comprising-a processor and a memory operatively coupled to the processor,

the controller being programmed to allow the user to make a wager after the currency-accepting mechanism detects deposit of currency by the user;

the controller being programmed to cause a sequence of video images to be generated on the display unit after the currency-accepting mechanism detects deposit of currency by the user, the sequence of video images representing a video game selected from the group of video games consisting of video poker, video slots, video blackjack, video bingo and video keno,

at least one of the images comprising an image of at least three playing cards if the video game is video poker;

at least one of the images comprising an image of a plurality of simulated slot machine reels if the video game is video slots;

at least one of the images comprising an image of a plurality of playing

cards if the video game is video blackjack;

at least one of the images comprising an image of a bingo grid if the video game is bingo; and

at least one of the images comprising an image of a keno grid if the video game is keno;

the controller being programmed to cause [one] a portion of the said images to be [modified] highlighted in response to the user pointing the virtual object at the portion of said images [a portion of the display device];

the controller being programmed to cause the virtual object to provide feedback to the user through the virtual object when a selectable item is selected; and

the controller being programmed to determine, after the sequence of images has been displayed, an outcome of the video game represented by the sequence of images and to determine a currency payout associated with the outcome of the video game.

(Once Amended)   77.   An electronic gaming unit for allowing a user to play a video gambling game selected from the group of video games consisting of video poker, video slots, video blackjack, video bingo and video keno, the electronic gaming unit comprising:

a display unit that is capable of generating color images;

a currency-accepting mechanism that is capable of allowing the user to deposit a medium of currency;

a user input device comprising a virtual object, said virtual object being shaped like an object; and

a controller operatively coupled to the display unit, the currency-accepting mechanism and the virtual object, the controller comprising a processor and a memory operatively coupled to the processor,

the controller being programmed to allow the user to make a wager after the currency-accepting mechanism detects deposit of currency by the user;

the controller being programmed to cause a sequence of video images to be generated on the display unit after the currency-accepting mechanism detects deposit of currency by the user, the sequence of video images representing a video game selected from the group of video games consisting of video poker, video slots, video blackjack, video bingo and video keno,

at least one of the images comprising an image of at least three playing cards if the video game is video poker;

at least one of the images comprising an image of a plurality of simulated slot machine reels if the video game is video slots;

at least one of the images comprising an image of a plurality of playing cards if the video game is video blackjack;

at least one of the images comprising an image of a bingo grid if the video game is bingo; and

at least one of the images comprising an image of a keno grid if the video game is keno;

the controller being programmed to cause [one] <u>a portion</u> of the said images to be [modified] <u>highlighted</u> in response to the user pointing the virtual object at <u>the portion of said images</u> [a portion of the display device];

the controller being programmed to cause a selectable item to be selected in response to a user pointing the virtual object at the selectable item and selecting the item;

<u>the controller being programmed to cause the virtual object to provide feedback to the user through the virtual object when a selectable item is selected;</u> and

the controller being programmed to determine, after the sequence of images has been displayed, an outcome of the video game represented by the sequence of images and to determine a currency payout associated with the outcome of the video game.

(Once Amended)   92.   An electronic gaming unit for allowing a user to play a video game selected from the group of video games consisting of video poker, video slots, video blackjack, video bingo and video keno, the electronic gaming unit comprising:

a display unit that is capable of generating color images;

a currency-accepting mechanism that is capable of allowing the user to deposit a medium of currency;

a user input device comprising a virtual object, said virtual object being shaped like an object; and

a controller operatively coupled to the display unit, the currency-accepting mechanism and the virtual object, the controller comprising a processor and a memory operatively coupled to the processor,

the controller being programmed to allow the user to make a wager via the input device after the currency-accepting mechanism detects deposit of currency by the user;

the controller being programmed to cause a sequence of video images to be generated on the display unit after the currency-accepting mechanism detects deposit of currency by the user, the sequence of video images representing a video game selected from the group of video games consisting of video poker, video slots, video blackjack, video bingo and video keno,

at least one of the images comprising an image of at least three playing cards if the video game is video poker;

at least one of the images comprising an image of a plurality of simulated slot machine reels if the video game is video slots;

at least one of the images comprising an image of a plurality of playing cards if the video game is video blackjack;

at least one of the images comprising an image of a bingo grid if the

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video game is bingo; and

at least one of the images comprising an image of a keno grid if the video game is keno;

the controller being programmed to cause one of the said images to be modified in response to the user pointing the virtual object at a portion of the display device;

the controller being programmed to cause a selectable item to be selected in response to a user pointing the virtual object at the selectable item and selecting the object;

the controller being programmed to cause a set of cross-hairs to be displayed on [one] the portion of the images in response to the user pointing the virtual object at the portion of said images [a portion of the display device];

the controller being programmed to cause the virtual object to provide feedback to the user through the virtual object when a selectable item is selected; and

the controller being programmed to determine, after the sequence of images has been displayed, an outcome of the video game represented by the sequence of images and to determine a currency payout associated with the outcome of the video game.

(Once Amended)   106.   An electronic gaming unit for allowing a user to play a video game selected from the group of video games consisting of video poker, video slots, video blackjack, video bingo and video keno, the electronic gaming unit comprising:

a display unit that is capable of generating color images;

a currency-accepting mechanism that is capable of allowing the user to deposit a medium of currency;

a user input device comprising a virtual object, said virtual object being shaped like an object; and

a controller operatively coupled to the display unit, the currency-accepting mechanism and the virtual object, the controller comprising a processor and a memory

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operatively coupled to the processor,

the controller being programmed to allow the user to make a wager via the input device after the currency-accepting mechanism detects deposit of currency by the user;

the controller being programmed to cause a sequence of video images to be generated on the display unit after the currency-accepting mechanism detects deposit of currency by the user, the sequence of video images representing a video gambling game selected from the group of video games consisting of video poker, video slots, video blackjack, video bingo and video keno,

at least one of the images comprising an image of at least three playing cards if the video game is video poker;

at least one of the images comprising an image of a plurality of simulated slot machine reels if the video game is video slots;

at least one of the images comprising an image of a plurality of playing cards if the video game is video blackjack;

at least one of the images comprising an image of a bingo grid if the video game is bingo; and

at least one of the images comprising an image of a keno grid if the video game is keno;

the controller being programmed to cause [one] a portion of the said images to be [modified] highlighted in response to the user pointing the virtual object at the portion of said images [a portion of the display device];

the controller being programmed to cause a selectable item to be selectable in response to a user pointing the virtual object at the selectable item and selecting the item;

the controller being programmed to cause a set of cross-hairs to be displayed

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on [one] <u>the portion</u> of the images in response to the user pointing the virtual object at <u>the</u> <u>portion of said images</u> [a portion of the display device];

   <u>the controller being programmed to cause the virtual object to provide</u> <u>feedback to the user through the virtual object when a selectable item is selected;</u>

   the controller being programmed to determine, after the sequence of images has been displayed, an outcome of the video game represented by the sequence of images and to determine a currency payout associated with the outcome of the video game; and

   a selection switch operatively coupled to the virtual object, wherein the controller is programmed to cause a virtual indicator to be displayed on a portion of one of the images in response to the user selecting the selectable item while the virtual object is pointed at the portion of the one image.

(Once Amended)   111.   The electronic gaming unit of claim 106, wherein the virtual object is a virtual magic wand shaped like a magic wand <u>where a portion of the virtual magic wand illuminates or provides motion as feedback when the selectable item is selected by the user.</u>

(Once Amended)   112.   The electronic gaming unit of claim 106, wherein the virtual object is a virtual remote control shaped like a remote control <u>where a portion of the virtual remote control illuminates or provides motion as feedback when the selectable item is selected by the user.</u>

(Once Amended)   113.   The electronic gaming unit of claim 106, wherein the virtual object is a virtual pointing helmet shaped like a pointing helmet <u>where a portion of the virtual pointing helmet illuminates or provides motion as feedback when the selectable item is selected by the user.</u>

(Once Amended)   114.   The electronic gaming unit of claim 106, wherein the virtual object is a set of virtual goggles shaped like a set of goggles <u>where a portion of the virtual goggles illuminates or provides motion as feedback when the selectable item is selected by the user.</u>

(Once Amended)   115.   The electronic gaming unit of claim 106, wherein the virtual object is a virtual pointing glove shaped like a pointing glove <u>where a portion of the virtual glove illuminates or provides motion as feedback when the selectable item is selected by the user.</u>

(Once Amended)   116.   The electronic gaming unit of claim 106, wherein the virtual object is a virtual gun shaped like a firearm and having a portion shaped like a trigger <u>where a portion of the virtual gun illuminates or provides motion as feedback when the selectable item is selected by the user.</u>